

REMARKS

The Official Action dated July 5, 2006, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

The Official Action dated July 5, 2006, was a restriction/election of species requirement, which required the applicants to elect to prosecute one of the following two inventions:

Invention I, recited in claims 1-25 and 49-72, or

Invention II, recited in claims 26-48, drawn to a method of preparing soil for the growth of bacteria.

Applicants respectfully elect to prosecute a subject matter of Invention I, recited in claims 1-25 and 49-72. Applicants reserve the right to file the divisional patent applications on non-elected subject matter.

In paragraph 5 of the Official Action, applicants were required to elect from a number of allegedly distinct species of the invention. Appropriate elections are set forth below:

In response to the election of the metal in separate paragraph A, paragraph 5, applicants elect nickel as a metal. Nickel is specifically recited in claims 3, 22, and 69.

In paragraph 5E of the Official Action, the applicants were required to elect enhancing bacteria. Applicants elect microbacteria arabinogalactanoylticum. These bacteria are recited in claims 6, 8, 12, 14, 53, 55, 60, and 62.

In paragraph 5C of the Official Action, applicants were required to elect a species of plant. Applicants respectfully elect alyssum murale as the species of plant. Alyssum, and the species Alyssum murale, is recited in claims 4, 5, 17, 51, 52, and 64.

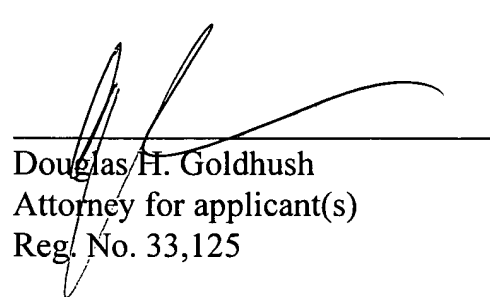
In paragraph 5C(2) required the applicants to elect a planting. The applicants respectfully elect plants per se, which are recited in virtually all of the claims which do not specifically mention the word “seeds.”

Applicants note that numerous claims are generic to one or more of the species. It also notes that, as the Official Action indicates, elected claim 1 is generic. Applicants further submit that the claim 49 is generic.

In view of the elected invention and the elected species noted above, and in view of the broader terminology of the claims, applicants respectfully submit that each of the claims 1-25 and 49-72 are readable upon the elected invention and species. Therefore, a timely consideration on the merits is respectfully requested.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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